

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESSIE DAVID GOUGH,

Defendant.

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No. 3:21-CR-91-KAC-DCP

**MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Judge as may be appropriate. This case is before the Court on Defendant Jessie Gough's Second Motion to Continue Trial and All Associated Deadlines [Doc. 15], filed on November 29, 2021. Defendant asks the Court to continue the March 1, 2022 trial date and other deadlines in this case for eight weeks, to give new counsel time to prepare. Defense counsel will be leaving his law firm, and Defendant will be represented by another attorney from the firm. Defendant asks for time for new counsel to review discovery, investigate the case, assess the need for pretrial motions, and prepare the case for trial. The motion relates that the Government does not object to the requested continuance. Counsel for both parties have conferred with Chambers and agreed on a new trial date of May 17, 2022.

The Court finds Defendant Gough's motion to continue the trial and schedule is unopposed by the Government and well-taken. The Court also finds that the ends of justice served by granting a continuance outweigh the interest of the Defendant and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Defendant has retained counsel from the Garza Law

Firm to represent him in this case. Attorney Tyler M. Caviness has represented Defendant to date. Mr. Caviness is leaving the Garza Law Firm, and Defendant will be represented by another attorney from that firm. The Court finds that additional time is necessary for new defense counsel to review discovery, to complete investigation of the underlying facts and law, to determine the need for pretrial motions, to confer with the Defendant, and to prepare this case for trial. Additionally, the Court finds that the denial of a continuance would deprive the Defendant of the continuity of counsel unreasonably. 18 U.S.C. § 3161(h)(7)(b)(iv). The Court concludes that without a continuance, counsel would not have the reasonable time necessary to prepare for trial, even proceeding with due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

The motion to continue the trial and schedule [**Doc. 15**] is **GRANTED**. The trial of this case is reset to **May 17, 2022**. The Court finds that all the time between the filing of the motion on November 29, 2021, and the new trial date of May 17, 2022, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(1)(D) & -(7)(A)-(B). The Court also sets a new schedule in this case, which is stated in detail below.

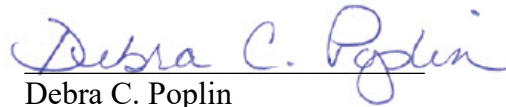
Accordingly, it is **ORDERED** as follows:

- (1) Defendant's Motion to Continue Trial and All Associated Deadlines [**Doc. 15**] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **May 17, 2022, at 9:00 a.m.**, before the Honorable Katherine A. Crytzer, United States District Judge;
- (3) All time between the filing of the motion on **November 29, 2021**, and the new trial date of **May 17, 2022**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The deadline for filing pretrial motions is extended to **January 25, 2022**. Responses to motions are due on or before **February 8, 2022**;

- (5) The new deadline for filing a plea agreement in the record and providing reciprocal discovery is **April 18, 2022**;
- (6) The parties are to appear before the undersigned for a final pretrial conference on **April 26, 2022, at 11:00 a.m.**;
- (7) The deadline for filing motions *in limine* is extended to **May 2, 2022**; and
- (8) Requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4. shall be filed on or before **May 6, 2022**.

**IT IS SO ORDERED.**

**ENTER:**



Debra C. Poplin  
United States Magistrate Judge